

REMARKS

Claims 2-4 have been cancelled. Claims 1, 5, 7-10, and 12-14 have been amended. No new matter has been added by virtue of the within amendments, support therefor being found throughout the specification and the original claims of the application. For instance, support for the amendment to claim 1 can be found at least in original claims 2-5. Further, the remaining claim amendments relate largely to correction of informalities, thus they are non-substantive.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action. Such amendments are being made in an effort to expedite prosecution of the present application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Favorable reconsideration of the present application is respectfully requested in light of the within amendments and remarks which follow.

Claims 4-15 were objected to under 37 CFR 1.75(c) for lacking proper multiple dependent format. The noted claims have been amended to remove improper multiple dependencies, thus obviating the grounds for the objection. Withdrawal of the objection and proper consideration of the claimed subject matter are therefore requested.

Claims 1-3 stand rejected under 35 USC 102(b) over Lee et al. (*J. Am. Chem. Soc.*, 1997, 119, pp. 3434-3442). Lee et al. are cited for their alleged disclosure of a compound represented by the instant formula I structure, wherein B is a pyrrole having a substituent and A is a structure with a cyclopropane ring.

The rejection is traversed. The cited reference does not teach or suggest the features of the present invention in a manner sufficient to sustain the §102 rejection (or a §103 rejection if that were considered in connection with a further office action).

Nonetheless, in order to expedite allowance of the application, Applicants have amended the claims of the application to further define the features of the invention. In particular, independent claim 1 has been amended to incorporate the definitions of 'B' in claim 2 (as originally filed), 'A' in claim 3 (as originally filed), and 'L' in claim 4 (as originally filed).

In contrast to the present invention, the cited Lee reference does not disclose or otherwise suggest a compound that contains a vinyl group linker between the 'A' portion and the 'B' portion. Therefore, neither the compounds, nor the methods or compositions of the present invention are taught by Lee.

Accordingly, the rejection is properly withdrawn.

For example, see *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) ("[r]ejections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.") Additionally, should Lee be considered as potential grounds for a 103 rejection, it is well-known that to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference(s) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143.

There is no suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the cited reference to make the claimed invention, nor is there a reasonable expectation of success.

In view of the above amendments and the arguments presented, reconsideration and withdrawal of all rejections are respectfully solicited.

Applicants have addressed each of the objections and rejections set forth in the outstanding Office Action, and it is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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